

REMARKS

The claims are claims 1, 10, 12, 29, 34, 46, 49 and 52.

Claims 1, 10, 12, 29, 34, 46, 49 and 52 are amended. Claims 33, 45, 47, 48, 50, 51, 53 and 54 are newly canceled. Claims 1, 10, 12 and 29 are amended to incorporate subject matter of respective canceled claims 45, 48, 51 and 33. Claims 34, 46, 49 and 52 are rewritten in independent form including the limitations of their respective prior base claims 29, 1, 10 and 12.

Claims 34, 46, 49 and 52 were rejected under 35 U.S.C. §103(a) as made obvious by the combination of Van Ee et al U.S. Published Patent Application No. 2005/014987 and Kinsella U.S. Patent No. 6,914,517.

Claims 34, 46, 49 and 52 recite subject matter not made obvious by the combination of Van Ee et al and Kinsella. Claims 34, 46, 49 and 52 recite "said control keys include an activation key operable to activate the remote control device, and said fingerprint sensor is embedded in the activation key." Accordingly, claims 34, 46, 49 and 52 are allowable over the combination of Van Ee et al and Kinsella. The OFFICE ACTION states at page 6, line 18 to page 7, line 5:

"Regarding claims 34, 46, 49, and 52, Van Ee in view of Kinsella teach the control keys include an activation key operable to activate the remote control device (Van Ee - par. 76, lines 24-28; par. 95, lines 1-6; Kinsella - col. 21, lines 50-54; in which pressing one of the plurality of keys activates, i.e., triggers, the remote control to turn on the TV, select the channel, set the volume, etc., e.g., volume key, on/off, key, channel up key, etc.), and

"the fingerprint sensor 529A (Kinsella fig. 6) is embedded in the activation key (Kinsella - col. 13, line 66- col. 14, line 1; col. 14, lines 6-7; col. 17, lines 16-23; col. 21, lines 40-42)."

These portions of Van Ee et al and Kinsella differ from the recitations of claims 34, 46, 49 and 52 in two regards. First, the citations regarding the activation key (Van Ee et al paragraphs [0076] and [0095] and Kinsella column 21) deal with activation of the controlled device. Claims 34, 46, 49 and 52 recite the activation key is "operable to activate the remote control device." Thus the cited teachings of Van Ee et al and Kinsella teach activation of a different apparatus than recited in these claims. Second, the cited teaching of fingerprint sensor 529A of Kinsella fails to teach that operation of the corresponding button 522B actuates the remote control device as required by the limitations of claims 334, 46, 49 and 51. In particular, Kinsella includes no teaching that operation of button 522B causes actuation of a controlled device such as the TV in the cited teaching of Van Ee et al. In contrast, this application states at page 11, line to page 12, line 1:

"In another preferred embodiment, the finger print apparatus 26 is incorporated on the remote control device 41 as an 'activate remote' key that must be pressed in order for the remote to start functioning. In this embodiment, the finger print can be read when the remote control is activated."

Embedding the fingerprint sensor in such an activate remote key ensures capture of the user's fingerprint before any controlled operation. The combination of teachings cited in the OFFICE ACTION fails to make such a requirement. Accordingly, claims 34, 46, 49 and 52 are allowable over the combination of Van Ee et al and Kinsella.

Claims 1, 10, 12 and 29 (reciting subject matter previously included in respective claims 45, 48, 51 and 34) were rejected under 35 U.S.C. §103(a) as made obvious by the combination of Van Ee et al U.S. Published Patent Application No. 2005/014987,

Kinsella U.S. Patent No. 6,914,517 and Darbee et al U.S. Patent No. 6,130,726.

Claims 1, 10, 12 and 29 recite subject matter not made obvious by the combination of Van Ee et al, Kinsella and Darbee et al. Claims 1, 10, 12 and 92 recite "some control keys disposed in a thumb actuated cross configuration" and "the fingerprint sensor is integrated within a middle portion of the thumb operated cross configuration." The OFFICE ACTION cites Darbee et al as teaching the recited thumb actuated cross configuration. The OFFICE ACTION fails to provide any motivation for incorporating the fingerprint sensor of Van Ee et al into the EZ NAV key of Darbee et al is feasible or advantageous. In contrast, this application states at page 11, lines 13 to 17:

"The illustrated embodiment has an arrangement in which the volume up/down keys 43 and channel up/down keys 45 are positioned in a thumb operated cross 40, with the finger print apparatus 26 located in the middle of the cross 40. This arrangement allows non-participatory identification of the user by analyzing the user's thumbprint when the user changes channels or the volume."

This application also provides clear teaching of the advantage of such "non-participatory identification of the user." Accordingly, claims 33, 45, 48 and 51 are allowable over the combination of Van Ee et al, Kinsella and Darbee et al.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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